

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ROOSEVELT J.L. BURGESS, III	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:05CV1838(CEJ)
	)	
RANDY J. DAVIS,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon petitioner's petition for a writ of habeas corpus [Doc. #1]. Petitioner, an inmate at the United States Penitentiary located in Marion, Illinois (USP-Marion), challenges his conviction and sentence for being a felon in possession of firearm.

This Court lacks jurisdiction to grant petitioner habeas relief. Petitioner states - and the Court's research confirms - that petitioner was convicted in the United States District Court for the Southern District of Georgia, Savannah Division. See United States v. Burgess, No. 4:93CR205-BAE-1 (S.D. Ga.). As noted above, petitioner is confined at a federal prison in Illinois - not in this district. Because petitioner was not convicted in this district and because he is not confined in this district, this Court lacks jurisdiction to grant petitioner habeas relief. See 28 U.S.C. § 2255 (prisoner may move court that imposed sentence to vacate, set aside or correct sentence); Bell v. United States, 48 F.3d 1042, 1043-44 (8th Cir. 1995) (habeas

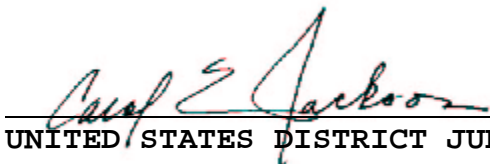
petition under § 2241 must be brought in the judicial district where petitioner is located).

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that petitioner's petition for a writ of habeas corpus [Doc. #1] is **TRANSFERRED** to the United States District Court for the Southern District of Georgia, Savannah Division, pursuant to 28 U.S.C. § 1631.

An appropriate order shall accompany this memorandum and order.

Dated this 7th day of November, 2005.

  
UNITED STATES DISTRICT JUDGE